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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,957	04/05/2001	Gregory L. Raiz	MS150771.2/40062.107USU1	5435
27488	7590	10/27/2003		
MERCHANT & GOULD P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER PILLAI, NAMITHA	
			ART UNIT	PAPER NUMBER

2173

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/827,957

Applicant(s)

RAIZ ET AL.

Examiner

Namitha Pillai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 17 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 8/13/01 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the excerpt from www.akamaidesign.com does not include a date, when the document was published. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Objections

2. Claims 17 and 19 are objected to because of the following informalities: the term "operative state" is preceded by "a", which must be replaced with "an". Appropriate correction is required where necessary.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 7 is rejected for reciting the limitation "a focus state" in reference to the control element. There is insufficient antecedent basis for this limitation in the claim. There is a reference to a focus state (line 7 of claim 7) and it is not clear whether this focus state refers to the focus state disclosed previously in claim 7 (line 6)

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4. Claim 11 is rejected for reciting the limitation "the operative state" in reference to the control element. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S.

Patent No. 6, 039, 047 (Rock et al.), herein referred to as Rock.

Referring to claim 1, Rock discloses a method for displaying a focus state of a user interface element in a graphical user interface of a computing system (column 1, lines 24-26). Rock also discloses testing whether a control state of a user interface element is disabled or active and if the control state is active, detecting if the user interface element is in a focus state, wherein the positioning of the pointer and the response to this pointer, determines whether the control state is active or inactive and if active, allowing the user interface element to be in a focus state (column 3, lines 4-18). Rock discloses that if the user interface element is an active control state and in a focus state, building a merged state indicating the user interface element is active and in a focus state and rendering based on the merged state a display of the user interface element in an active state with a focus state indicator (column 3, lines 52-62).

Referring to claim 2, Rock discloses that the control state is normal, and wherein once the pointer is placed over the control, the control is a focus state and a normal state, a merged normal-focus state is built (column 3, lines 47-49).

Referring to claim 3, Rock discloses the control-appearance application determining the theme data for the normal and focus states, wherein the data is received based on the focus state and the normal state, and drawing the user interface element on a display based on the theme data for the normal state and drawing the focus indicator on the user interface element based on the theme data for the focus state (column 3, lines 47-62).

Referring to claim 4, Rock discloses a state wherein, the mouse is placed over the control element, thereby defining a hot state (column 3, lines 46-48) and wherein once the pointer is placed over the control, the control is a focus state and a hot state, a merged hot-focus state is built (column 3, lines 47-49).

Referring to claim 5, Rock discloses the control-appearance application determining the theme data for the hot and focus states, wherein the data is received based on the focus state and the hot state, based on the pointer being placed over the control regions, and drawing the user interface element on a display based on the theme data for the hot state and drawing the focus indicator on the user interface element based on the theme data for the focus state (column 3, line column 3, lines 52-62).

Referring to claim 6, Rock discloses that the control state may be disabled, normal, hot or selected depending upon the availability of the user interface element and the input from the user and the active states having a possible focus state are normal and hot (column 3, lines 47-51).

Referring to claim 7, Rock discloses means for displaying a themed focus state of a control element in a graphical user interface of a computing system (column 1, lines 24-26). Rock discloses receiving a control state for the control element and detecting if the control element is in a focus state (column 3, lines 4-18). Rock discloses that if the control element is in focus state, building a combined state indicating the control state and focus state of the control element and rendering the control element based on the combined state so that the control element is displayed with a themed focus state (column 3, lines 52-62).

Referring to claim 8, Rock discloses detecting whether a control state of a user interface element is disabled or active and if the control state is disabled, rendering the control element based on a theme for the control state (column 3, lines 49-51).

Referring to claim 9, Rock discloses the control state and the focus state having their respective control state theme and focus state theme, and retrieving the control state theme and the focus state theme for drawing the control element based on the control state theme and the focus state theme so that the control element in a focus state is displayed with a focus state theme (column 3, lines 52-62).

Referring to claim 10, Rock discloses that only control states, where the control is available and has not been selected, may also have a focus state (column 3, lines 47-62).

Referring to claim 11, Rock discloses a method for changing visual styles of a focus state indicator in a control element in a graphical operating system running on a computer system (column 1, lines 24-26 and column 2, lines 52-54).). Rock discloses receiving a control state for the control element and detecting if the control element is in a focus state (column 3, lines 4-18). Rock discloses drawing the control element using an operative state theme when the act of

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detecting detects the control element is not in focus state (column 3, lines 49-51). Rock also discloses creating a combined state for the control elements, when the act of detecting detects the control element is in a focus state, the combined state being a single merged state representing the operative state and the focus state and drawing the control element in the combined state using the operative state theme and a focus state theme, whereby the visual style of a focus state indicator in the control element is changed by the focus state theme (column 3, lines 52-62).

Referring to claim 12, Rock discloses receiving a focus state for the control element, testing whether the operative state of the control element is normal and if the operative state is normal, setting the combined state to a hot-focus state (column 3, lines 47-49).

Referring to claim 13, Rock discloses the control-appearance application determining the theme properties for the normal and focus state themes, wherein the properties are received based on the focus state theme and the normal state theme, and rendering the control element with both the normal state theme properties and the focus state theme properties (column 3, lines 47-62).

Referring to claim 14, Rock discloses receiving a focus state for the control element, testing whether the operative state of the control element is hot and if the operative state is hot, setting the combined state to a hot-focus state (column 3, lines 52-62).

Referring to claim 15, Rock discloses the control-appearance application determining the theme properties for the hot and focus state themes, wherein the properties are received based on the focus state theme and the hot state theme, and rendering the control element with both the hot state theme properties and the focus state theme properties (column 3, lines 47-62).

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Referring to claim 16, Rock discloses receiving a focus state for the control element and testing whether the operative state of the control element is disabled and if the operative state is disabled, performing an error handling process, wherein the process entails the dimming of the controls (column 3, lines 49-57).

Referring to claim 17, Rock discloses a system for themeing a focus state indicator separative from an operative theme for a control element in a graphical operating system (Figure 1 and column 1, lines 24-26), the imaging system being separate from the graphical operating system in the computer system of Figure 1. Rock discloses means for determining the operative state of the control element and means for testing whether the control element is in a focus state and indicates focus condition or a non-focus condition (column 3, lines 47-51). Rock also discloses means for in response to the focus condition merging the operative state and the focus state into a combined state indicating the control element may be rendered based on both an operative state and a focus state (column 3, lines 52-62).

Referring to claim 18, Rock discloses means for drawing the control element with operative state theme properties and a focus state indicator with focus state theme properties (column 3, lines 52-62).

Referring to claim 19, Rock discloses in response to non-focus condition drawing the control element with operative state theme properties (column 3, lines 49-51).

Referring to claim 20, Rock discloses a user interface with selectable focus indicators for control elements in a graphical user interface for a computing system (column 1, lines 24-26). Rock discloses receiving an operative state theme for rendering a display of an operative state for a control element, receiving a focus state theme for rendering the focus state of the control

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element and displaying the control element in a combined operative-focus state, the rendering of the control element in the combined state being based on the operative state theme and the focus state theme whereby control elements in the user interface have selectable focus indicators (column 3, lines 52-62).

Conclusion

6. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach the method for scrolling using markers.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231. If applicant desires to fax a response, central FAX number (703) 872-9306 may be used. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (703) 305-7691. The examiner can normally be reached on 8:30 AM - 5:30 PM.

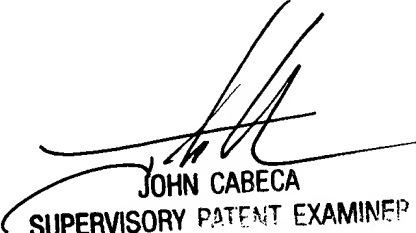
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116.

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All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai
Assistant Examiner
Art Unit 2173
October 19, 2003



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